

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PERFORMANCE, INC.,

Plaintiff(s),

v.

BRUCE BLUME, et al.,

Defendant(s).

NO. C06-102P

MINUTE ORDER RE:
PROPOSED PROTECTIVE ORDER

The following minute order is made by the direction of the court, the Honorable Marsha J. Pechman:

The Court declines to approve the proposed protective order (Dkt. No. 20). The Court will not automatically approve stipulated protective orders to authorize documents marked “confidential” and produced during discovery pursuant to protective orders to be filed under seal without further order of the Court. “There is a strong presumption of public access to the court’s files and records which may be overcome only on a *compelling showing* that the public’s right of access is outweighed by the interests of the public and the parties in protecting files, records, or documents from public review.” Local Rule CR 5(g)(1) (emphasis added).

Paragraphs 2- 11 of the parties’ proposed Stipulated Protective Order outlines a procedure which essentially allows them to unilaterally seal any document which they deem “confidential.” Parties seeking an order to seal any documents must provide a specific description of particular

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1 documents or categories of documents they seek to protest and a “*clear statement of the facts*
2 justifying a seal and overcoming the strong presumption in favor of public access.” Local Rule CR
3 5(g)(2) (emphasis added). The facts supporting any motion to seal must be provided by declaration or
4 affidavit.

5 The Court’s denial is without prejudice to submit a conforming proposed protective order.

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7 Filed this 30th day of November, 2006.

8 BRUCE RIFKIN, Clerk

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10 By /s Mary Duett
Deputy Clerk

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26 PROPOSED PROTECTIVE ORDER